

**Armstrong, Kristopher**

---

**From:** William Patmon [Wpatmon@patmonlaw.com]  
**Sent:** Tuesday, April 05, 2011 6:12 PM  
**To:** Armstrong, Kristopher  
**Subject:** RE: Revised joint motion to dismiss  
**Attachments:** Nayyar - Stipulation of Dismissal Without Prejudice (Revised).DOC

Kris, I made the adjustments to the stipulation and converted to a motion. We have conducted extensive research on all claims and several issues are raised by the Ohio Savings Statute that could be problematic for us. We have tried to adjust and draft orders to get around these issues but one thing is abundantly clear, a federal court cannot by order alter the Ohio Savings Statute. I know you and Mike have been very patient and have tried to avoid the savings statute problems but the best we can do is this order and I cannot in good faith recommend it to my client, Dr. Nayyar, knowing what the risk are. In final analysis, we may need to file a report and I can request a meeting with Judge Marbley regarding this case and a new schedule.

Patmon LLC  
Attorneys at Law  
Easton Town Center  
4100 Regent Street, Suite U  
Columbus, Ohio 43219  
Ph: (614) 470-9860  
Fax: (614) 470-9930  
Email: [wpatmon@patmonlaw.com](mailto:wpatmon@patmonlaw.com)  
[www.patmonlaw.com](http://www.patmonlaw.com)

**NOTICE FROM PATMON, LLC**

The information contained in this e-mail message is privileged and confidential information intended for the use of the individual or entity to whom it is addressed. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately destroy, discard, or erase this communication and notify the sender of this e-mail of the error.

---

**From:** Armstrong, Kristopher [mailto:karmstrong@bakerlaw.com]  
**Sent:** Tuesday, April 05, 2011 5:57 PM  
**To:** William Patmon  
**Subject:** Re: Revised joint motion to dismiss

Bill,

Can you send me a copy and I will review tonight.

Kris

Sent from my wireless.

---

**From:** William Patmon [mailto:Wpatmon@patmonlaw.com]  
**Sent:** Tuesday, April 05, 2011 05:48 PM  
**To:** Armstrong, Kristopher  
**Subject:** Revised joint motion to dismiss

Kris, I had to make a change to the document and convert it to a joint motion instead of a stipulation. As you aware, the stipulated dismissal counts a dismissal under the two dismissal rule and I want to avoid this by

4/6/2011

obtaining an order permitting dismissal.

Patmon LLC  
Attorneys at Law  
Easton Town Center  
4100 Regent Street, Suite U  
Columbus, Ohio 43219  
Ph: (614) 470-9860  
Fax: (614) 470-9930  
Email: [wpatmon@patmonlaw.com](mailto:wpatmon@patmonlaw.com)  
[www.patmonlaw.com](http://www.patmonlaw.com)

NOTICE FROM PATMON, LLC

The information contained in this e-mail message is privileged and confidential information intended for the use of the individual or entity to whom it is addressed. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately destroy, discard, or erase this communication and notify the sender of this e-mail of the error.

---

This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

4/6/2011